

***** AGENDA *****
CITY PLANNING COMMISSION
J. MARTIN GRIESEL ROOM
TWO CENTENNIAL PLAZA – SUITE 720
805 CENTRAL AVENUE

March 17, 2017
9:00 AM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MINUTES Consider the minutes of March 3, 2017. (page 2)

CONSENT ITEMS - QUASI-JUDICIAL

Governed by Section 5 F.[G.] of the City Planning Commission Rules
<http://tinyurl.com/CPCprocedures>

ITEM 1 A report and recommendation on a proposed site improvement for a retaining wall at 3100 Warsaw Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill. (Weaver) (page 5)

DISCUSSION ITEMS – LEGISLATIVE

ITEM 2 A report and recommendation on a proposed zone change for properties currently zoned RM-1.2 in the area generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south, and Ashland Avenue on the west from RM-1.2 (Multi-family) to RMX (Residential Mixed) in East Walnut Hills. (Hoffman) (page 12)

ITEM 3 A report and recommendation on text amendments to the Cincinnati Zoning Code, specifically Schedule 1409-07: Use Regulations – Commercial Districts to require a “food market” be limited to a maximum of 2,500 square feet and be part of a mixed-use building in the Commercial Neighborhood – Pedestrian (CN-P) zoning district. (Weaver) (page 23)

OTHER BUSINESS

DIRECTOR’S REPORT

ADJOURN

PROCEEDINGS OF THE CITY PLANNING COMMISSION

March 3, 2017

Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Chair Daniel DrieHaus, Mr. John Schneider, Assistant City Manager Sheila Hill-Christian, Dr. Rainer vom Hofe, Ms. Anne Sesler, and Councilmember Amy Murray. Mr. Stallworth was absent.

Also in attendance were Mr. Marion Haynes, legal counsel, and Department of City Planning staff: Mr. Charles C. Graves III, Ms. Lauren Bihl, and Ms. Bonnie Holman.

Mr. DrieHaus called the meeting to order and asked everyone to join in the Pledge of Allegiance.

The Commission approved the last prior meeting's minutes (February 17, 2017).

Mr. vom Hofe made the motion, which Ms. Murray seconded.

Aye: Ms. Hill-Christian, Mr. vom Hofe, Ms. Murray, Mr. Schneider, and Mr. DrieHaus.

Mr. DrieHaus read a letter from Mr. Ronald Koetters regarding his resignation from the City Planning Commission. He stated that Mr. Koetters was an excellent civic servant and was a devoted and patient City Planning Commissioner.

Mr. Graves introduced Ms. Anne Sesler as the newest City Planning Commissioner who was appointed to fill the unexpired term of Mr. Koetters. He said that she was very involved in her community and a welcomed addition to the City Planning Commission.

Ms. Anne Sesler was sworn in by Mr. Haynes as a City Planning Commissioner.

Mr. DrieHaus welcomed Ms. Sesler and said that Item 2 had been removed from the Agenda prior to the meeting at the request of the applicant.

Discussion Agenda - Legislative

Ms. Bihl presented **Item 1** a report and recommendation on a proposed zone change for the area generally bounded by Beecher Street and Foraker Avenue on the north, Monfort Street and Seminary Place on the east, Yale Avenue and Oak Street on the south, and Lincoln Place and Banning Alley on the west from CC-A (Commercial Community – Auto) to CC-P (Commercial

Community - Pedestrian) in Walnut Hills. Department of City Planning staff recommended approval.

Mr. Kevin Wright, Executive Director of the Walnut Hills Redevelopment Foundation, stated that they had conducted extensive community outreach to assess the neighborhood's needs and desires. The first step was to make Gilbert Avenue more pedestrian-friendly and bring back the Lincoln Avenue business district. The change in zoning would prevent the area from becoming a pass-through for vehicles and preserve the character of the neighborhood.

Mr. Schneider commented that there were many flat vacant parcels in the neighborhood. He asked Mr. Wright if they owned or controlled any of those lots. Mr. Wright responded that they did not. He also pointed out several historic buildings and districts, including the Harriet Beecher Stowe House and the historic African American business district. Mr. Driehaus asked if there was a nearby park and Mr. Wright responded that they would like to enhance the greenspaces in the area.

Ms. Toni Miller, former president of the Walnut Hills Area Council, and Sarah Leah Miller, current president of the Walnut Hills Area Council, said they supported the zone change, and that it would calm traffic and make the area more walkable.

Ms. Kathryn Gibbons, Walnut Hills Redevelopment Foundation Board Member, and Harriet Beecher Stowe House supporter stated that a pedestrian-friendly neighborhood would be welcome and supported the zone change.

Mr. Schneider commended the Walnut Hills neighborhood for being proactive in working together and developing a plan.

The Commission adopted staff's recommendations for Item 1 on the Legislative Discussion Agenda.

Ms. Murray made the motion, which Mr. vom Hofe seconded.

Aye: Ms. Hill-Christian, Ms. Sesler, Mr. vom Hofe, Ms. Murray, Mr. Schneider, and Mr. Driehaus.

Other Business

Mr. Matt Shad, Department of Buildings and Inspections Zoning Administrator, gave an update on 77 and 125 West McMillan Street in CUF. He said at 77 West McMillan the deck plan had been approved and concrete work had to be done. At 125 West McMillan, most of the work was completed, plumbing work approved, and the booth moved. The project was scheduled for completion in one to two weeks.

Director's Report

Mr. Graves invited everyone to register for and attend the annual Neighborhood Summit which would be held on Saturday, March 11, 2017, at Xavier's Cintas Center. He also announced the David J. Allor Planning and Zoning Workshop which would be held March 31, 2017.

Mr. Graves thanked students from the University of Cincinnati for attending and asked them to introduce themselves.

The meeting adjourned at 9:35 A.M.

Charles C. Graves, III, Director
Department of City Planning

Daniel Driehaus, Chair
City Planning Commission

Date: _____

Date: _____

**Honorable City Planning Commission
Cincinnati, Ohio**

March 17, 2017

SUBJECT: A report and recommendation on a proposed site improvement for a retaining wall at 3100 Warsaw Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill.

BACKGROUND:

On June 3, 2016, the City Planning Commission recommended approval of Interim Development Control (IDC) Overlay District No. 80 to City Council and recommended that the Department of City Planning conduct a zoning study in the area. On June 15, 2016, Cincinnati City Council established IDC No. 80 by emergency ordinance for a period of three months and directed City Planning Staff to undertake a zoning study for this area to address the concerns that land speculators have begun to acquire small parcels and potentially threaten land uses that threaten redevelopment efforts. This study is examining possible changes to the Zoning Code and/or Zoning Map, coordinating with other City Departments to address issues that have been brought up, including parking and circulation. A nine-month extension was approved by City Planning Commission on July 15, 2016 and by City Council on August 3, 2016. The IDC will expire on June 15, 2017.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC No. 80 – Incline District Investment Area. The Department of City Planning staff is the designated administrative reviewer. All permits that fall within IDC No. 80 boundary for new construction, demolition of existing structures, exterior alterations or additions to existing structures, changes in use, site improvements, construction or reconstruction of streets or curb cuts, and excavation and fill are made subject to review by the City Planning Commission in accordance with the “Regulations and Application Review Guidelines for Interim Development Control District No. 80, Incline District Investment Area [...] and Designation of Administrative Reviewer.”

On Tuesday, February 28, 2017, permits were applied for in order to construct a two-foot tall retaining wall at 3100 Warsaw Avenue within IDC No. 80 to create a level play area for the existing daycare. The subject property is within a Commercial Community - Pedestrian (CC-P) zoning district. A retaining wall is considered a site improvement, therefore it needs IDC review.

ANALYSIS:

According to Section 1431-17 of the Cincinnati Zoning Code, “[t]he administrative reviewer appointed pursuant to subparagraph 1431-7(c) has the duty to prepare an advisory report that evaluates whether the proposed work is in compliance with the application review guidelines adopted. The administrative reviewer has the duty to file the report with the City Planning Commission within 30 business days of the date of application.” These factors or guidelines include:

- (a) **Proposed Work Permitted by Current and Proposed Zoning.** The proposed work is permitted or conditionally permitted in the base district, conforms to all standards and performance criteria of the Cincinnati Zoning Code and does not conflict with any proposed amendment to the Cincinnati Zoning Code then under consideration by the City Planning Commission or Council.

The property is zoned Commercial Community – Pedestrian (CC-P). Retaining walls are permitted in all zoning districts, and this property is not located within a Hillside Overlay District.

- (b) **Proposed Work Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns in the surrounding neighborhood and community.

The proposed retaining wall is compatible with the prevailing land uses in the neighborhood.

- (c) **No Detrimental Effect to the Public.** The proposed work is not detrimental to the public peace, health, safety or general welfare.

The proposed retaining wall will not have a detrimental effect on the public peace, health, safety or general welfare of the East Price Hill community.

- (d) **No Adverse Effect on Adjoining Properties.** The proposed work has no adverse effect on the access to the property for fire and police protection and adequate public facilities and services, access to light and air from adjoining properties, traffic conditions, transportation requirements and facilities or development and use of adjacent land, structures and buildings.

The proposed retaining wall will not have an adverse effect on adjoining properties.

According to IDC No. 80, “[a]ll applications subject to review in Section 1 above shall be reviewed by the City Planning Commission in accordance of the general standards set forth in Section 1445-13 of the Cincinnati Zoning Code.” Section 1445-13, General Standards; Public Interest, is intended to maximize both the public interest and private benefits. These factors or guidelines include:

- (a) **Zoning.** The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.

The property is zoned Commercial Community – Pedestrian (CC-P). Retaining walls are permitted in all zoning districts, and this property is not located within a Hillside Overlay District.

- (b) **Guidelines.** The proposed work conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

There are no specific guidelines adopted or approved by Council in this location, other than the CC-P zoning.

- (c) **Plans.** The proposed work conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

The Incline District Master Plan (2012), the Price Hill Plan (2015), and Plan Cincinnati (2012) do not specifically address retaining walls.

- (d) **Traffic.** Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not overload the adjacent streets and the internal circulation system is properly designed.

There is no anticipated increased traffic from this proposal.

- (e) **Buffering.** Appropriate buffering is provided to protect adjacent uses or properties from light, noise and visual impacts.

Buffering is not required for a retaining wall.

- (f) **Landscaping.** Landscaping meets the requirements of Chapter 1423, Landscaping and Buffer Yards.

Landscaping is not required for a retaining wall.

- (g) **Hours of Operation.** Operating hours are compatible with adjacent land uses.

Hours of operation are not applicable for a retaining wall.

- (h) **Neighborhood Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns of the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood.
The proposed retaining wall is compatible with the prevailing land uses in the neighborhood.
- (i) **Proposed Zoning Amendments.** The proposed work is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
The goal of this IDC is to allow time for City staff and the East Price Hill community to study zoning and other solutions in the area. To date, concerns related to retaining walls have not been brought up.
- (j) **Adverse Effects.** Any adverse effect on the access to the property by fire, police, or other public services; access to light and air from adjoining properties; traffic conditions; or the development, usefulness or value of neighboring land and buildings.
There are no perceived adverse effects from the proposed retaining wall.
- (k) **Blight.** The elimination or avoidance of blight.
The proposed retaining wall will be an improvement to the site.
- (l) **Economic Benefits.** The promotion of the Cincinnati economy.
The proposed retaining wall will not have a significant impact on the economy.
- (m) **Job Creation.** The creation of jobs both permanently and during construction.
The construction of the proposed retaining wall may create temporary construction jobs as it is being built.
- (n) **Tax Valuation.** Any increase in the real property tax duplicate.
The retaining wall likely will not increase real property taxes.
- (o) **Private Benefits.** The economic and other private benefits to the owner or applicant.
The retaining wall will have minor economic benefits to the applicant as the daycare will be more attractive to potential customers with a new play area.
- (p) **Public Benefits.** The public peace, health, safety or general welfare.
The proposed retaining wall will give the children attending the daycare a safe place to play outside.

The proposed retaining wall either meets or is not applicable to all of the guidelines in Section 1445-13 of the Cincinnati Zoning Code.

CONSISTENCY WITH PLANS:

The Incline District Master Plan (2012), the Price Hill Plan (2015), and Plan Cincinnati (2012) do not specifically address retaining walls.

PUBLIC COMMENT:

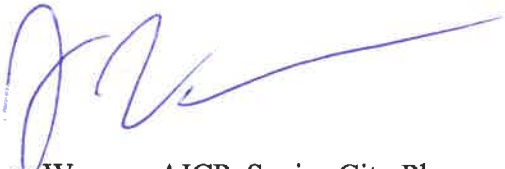
Staff sent notice to all adjoining property owners as well as the East Price Hill Improvement Association and Price Hill Will. To date, staff has not received any feedback related to the proposed retaining wall.

RECOMMENDATION:

The staff of the Department of City Planning recommends that the City Planning Commission take the following action:

1. **ADOPT** the Department of City Planning staff findings that the permit applications conform to the application review guidelines for Interim Development Control Overlay District No. 80, Incline District Investment Area, and meets the standards set forth in Cincinnati Zoning Code Sections 1431-17 and 1445-13, as discussed on pages one to four (1-4) of this report; and,
2. **APPROVE** the proposed site improvement for a retaining wall at 3100 Warsaw Avenue within Interim Development Control Overlay District No. 80, Incline District Investment Area in East Price Hill.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'JW', followed by a long horizontal flourish.

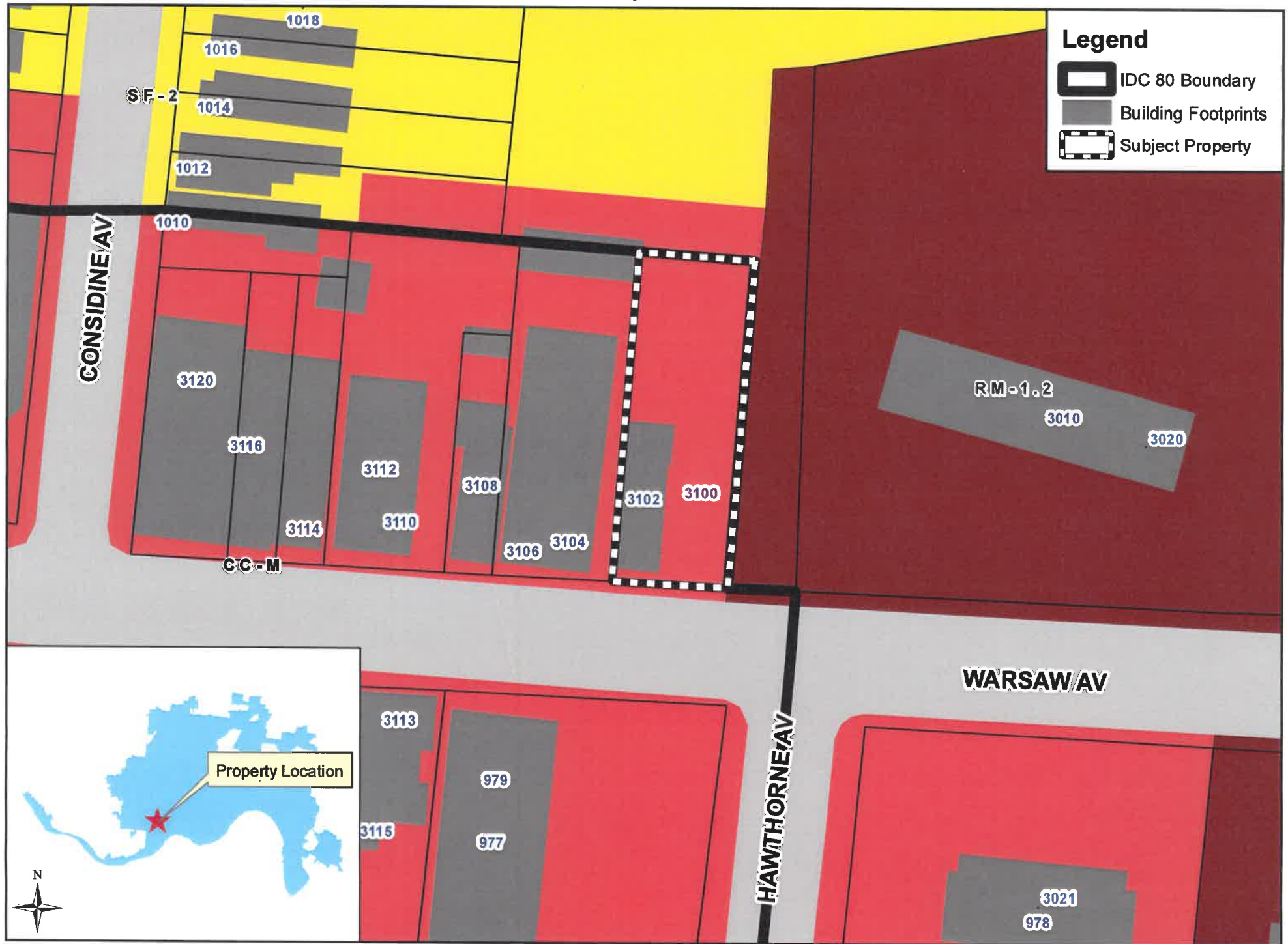
James Weaver, AICP, Senior City Planner
Department of City Planning

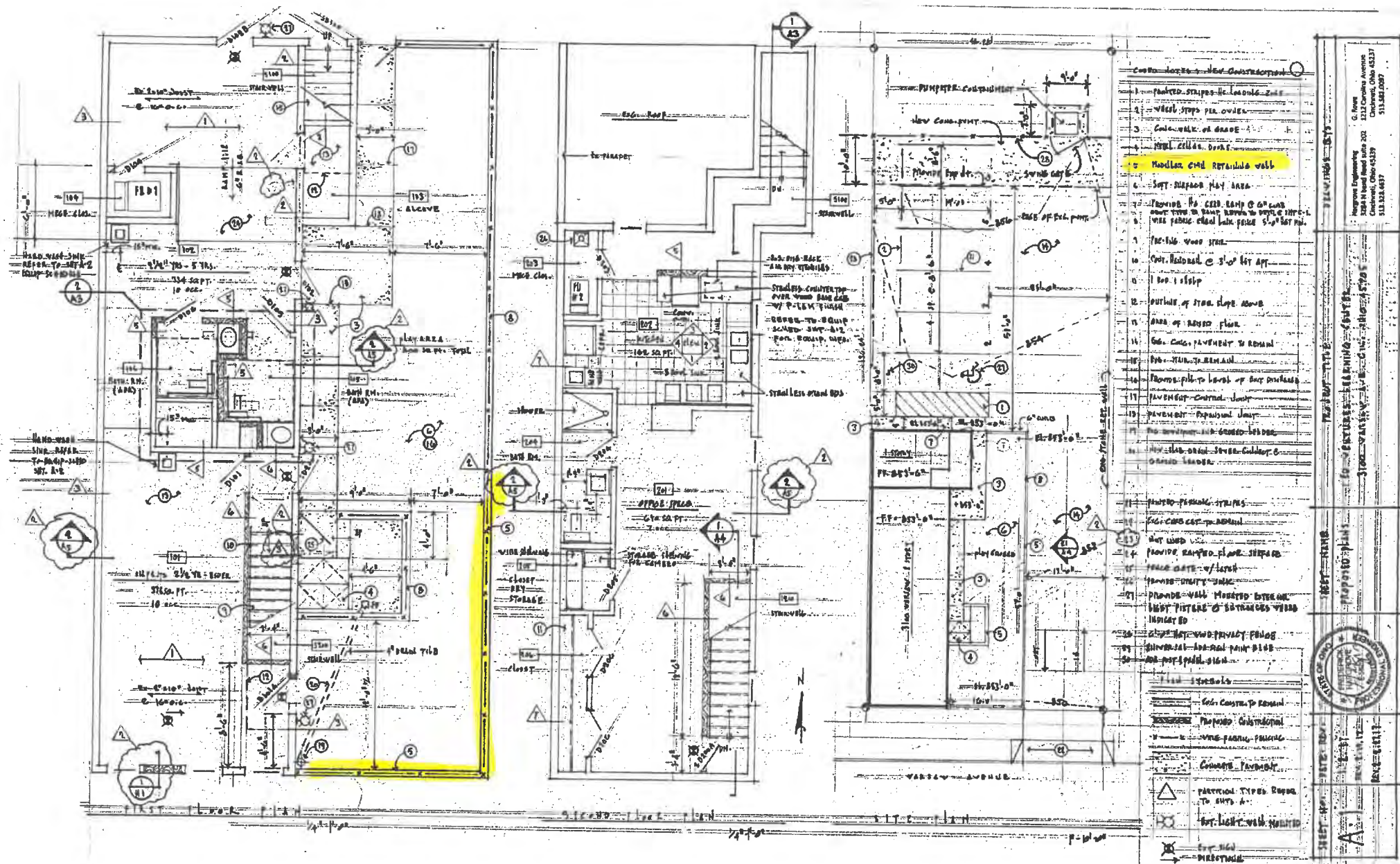
Approved:

A handwritten signature in blue ink, appearing to read 'Charles C. Graves, III', followed by a long horizontal flourish.

Charles C. Graves, III, Director
Department of City Planning

IDC Review: Retaining wall at 3100 Warsaw Ave





STANDARD CHAIN LINK FENCE DESIGN DETAIL

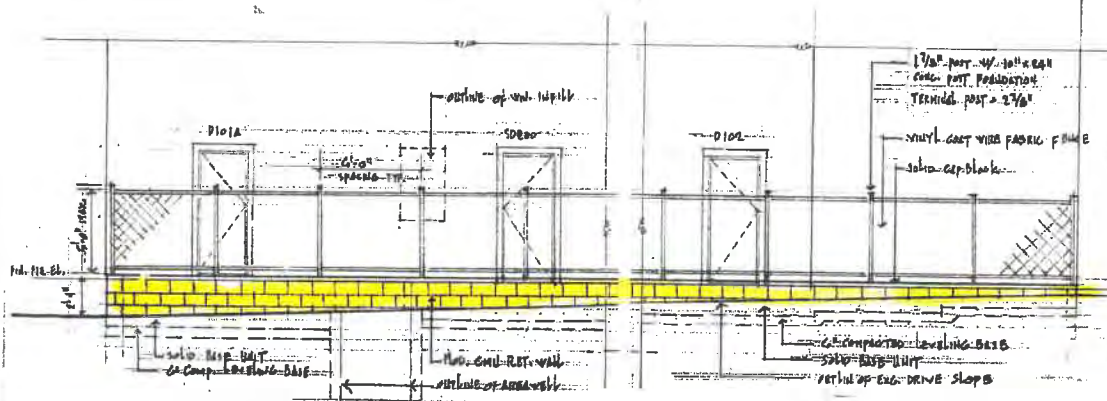


1. Terminal Post (refer to chart for minimum size)
2. Tension Bands (a maximum spacing 12" on center)
3. Wire Fabric minimum 12x12 gauge. (see pool note for wire spacing on pools)
4. Top Rail (minimum 1 3/8" x 2 1/2")
5. Line Posts-Raiser to chart for minimum size
6. Wire Fabric Ties at top rail (minimum 8 ties between posts)
7. Bottom Tension wire minimum 7 gauge.
8. Wire Fabric Ties minimum at 4' on center
9. Maximum corner upswing allowed at bottom 2"
10. Footing Slabs (refer to chart for minimum required slab)
11. Optional Truss and/or Bracing
12. Optional Draw Rail
13. Post Cap
14. Fence Height (refer to chart for height requirements)
Fence taller than 72" may require a guard rail and/or a zoning hearing.
Fence taller than 144" may require 3rd grade shod for engineered for wind loads.

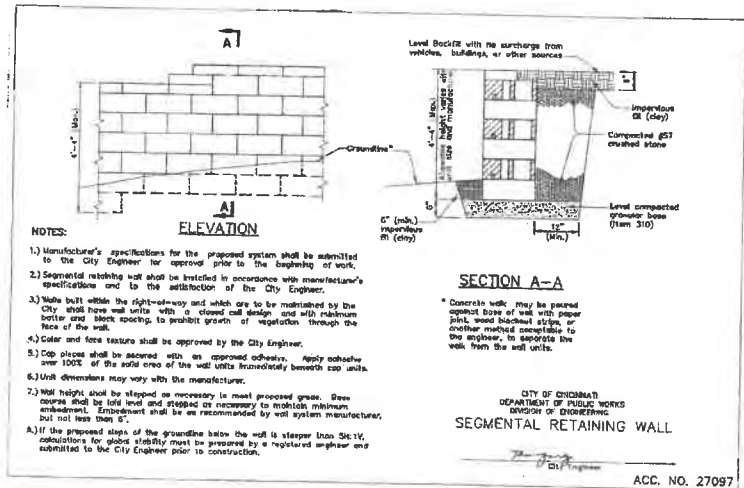
CHAIN LINK FENCE MINIMUM REQUIREMENTS

Penetration (Height)	Terminal Point Dimensions (a.d., in inches) (a.d., a small bubble)	Line Point Dimensions (a.d., in inches) (a small bubble)	Terminal Post Concrete Foundation Size (diameter x depth) (in inches)	Line Post Concrete Foundation Size (diameter x depth) (in inches)
Up to 4	2.34 x 0.043	1.63 x 0.047	10 x 24	8 x 24
Over 4 to 5	2.36 x 0.042	1.74 x 0.056	10 x 24	8 x 24
Over 5 to 6	2.38 x 0.042	1.73 x 0.095	10 x 24	8 x 24
Over 6 to 8	2.39 x 0.113	2.36 x 0.095	10 x 36	10 x 36
Over 8 to 10	2.73 x 0.130	2.76 x 0.130	12 x 40	10 x 40
Over 10 to 12	2.73 x 0.180	2.35 x 0.120	12 x 42	12 x 42

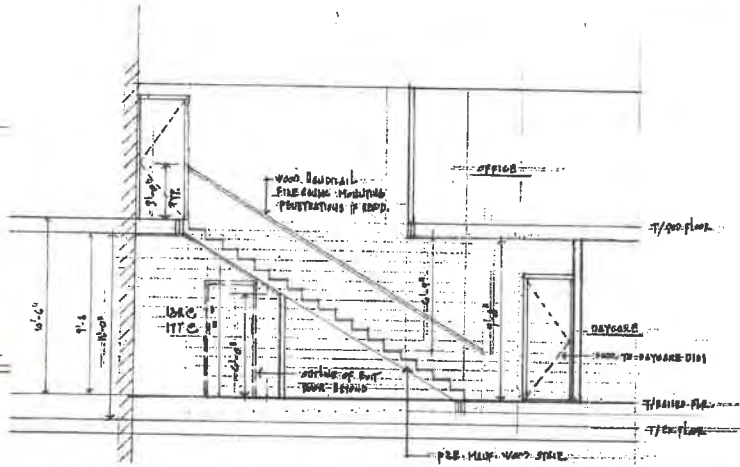
1. This table is applicable only for unreinforced airlocks.
2. Braces must be used at terminal posts if bay tension; wire is used instead of top rail.
3. Post spacing: 10 foot (3 m) or closer maximum.
4. Posts shall be embedded to within 6 inches (152 mm) from the bottom of the foundation.



51 ELEVATION @ 1864000



SEGMENTAL PITTING SECTION



SECTION 101.01

CPC ITEM # 2

March 17, 2017

**Honorable City Planning Commission
Cincinnati, Ohio**

SUBJECT:

A report and recommendation on a proposed zone change for properties currently zoned RM-1.2 in the area generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south, and Ashland Avenue on the west from RM-1.2 (Multi-family) to RMX (Residential Mixed) in East Walnut Hills.

GENERAL INFORMATION:

Location: The area generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south, and Ashland Avenue on the west in East Walnut Hills (See attached map).

Applicant: The East Walnut Hills Assembly, Inc.
P.O. Box 68050
Cincinnati, OH 45206

Property

Owners: See attached table.

Request: To have the Department of City Planning conduct a zoning study for the south side of Myrtle Avenue, between Victory Parkway and Woodburn Avenue, in East Walnut Hills.

BACKGROUND:

In September of 2016, The East Walnut Hills Assembly, Inc. voted unanimously to request that the City complete a zoning study for the south side of Myrtle Avenue, between Victory Parkway and Woodburn Avenue, in East Walnut Hills. The south side of Myrtle Avenue was of particular interest since homes have been demolished and converted to parking lots, causing destabilization to Myrtle Avenue and to the Burdette Avenue properties that abut the Myrtle Avenue properties. Staff was charged with determining the appropriate zoning designation to promote the residential development and preservation of the neighborhood.

LAND USE AND ZONING IN THE AREA:

The subject properties are currently zoned Residential Multi-family (RM-1.2) as shown on the attached map. Burdette Avenue, zoned Single-family Residential (SF-4), sits between the areas of property to be rezoned. The East Walnut Hills Neighborhood Business District is just to the north and east of the subject properties.

North: OL and CC-P (Office Limited and Commercial Community-Pedestrian)

East: CC-P and CC-M (Commercial Community-Pedestrian and Commercial Community-Mixed)

South: OL and RM-1.2 (Office Limited and Residential Multi-family)

West: OL, RM-1.2, and SF-4 (Office Limited, Residential Multi-family, and Single-family Residential)

PUBLIC COMMENT:

The Department of City Planning held a public staff conference on this proposed zone change on February 21, 2017. Notices were sent to property owners within the zone change area as well as within a 400-foot radius of the subject properties. Representatives from the East Walnut Hills Assembly attended as the applicant. More than thirty community members also attended, in addition to representatives from UC Health. UC Health currently owns the property at 1347-49 Myrtle Avenue and recently had the house demolished with plans to seek a conditional use variance to create a parking lot.

Community members shared concerns about losing the character of their neighborhood. They expressed their desires to have the properties in the neighborhood operate as they were originally intended. Community members spent a fair amount of time asking UC Health about their plans for property in the neighborhood and brainstorming alternate solutions to building more parking lots in the neighborhood.

Property owners within the zone change area as well as within a 400-foot radius of the subject properties were also notified of the City Planning Commission meeting. Several letters of support have been attached to this report.

ANALYSIS:

In determining the appropriate zoning designation to promote the residential development and preservation of the neighborhood, staff recommended an expanded study area that looked beyond the concerns on Myrtle Avenue. The study area was generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south, and Ashland Avenue on the west. As stated above, this area is largely residential (single and multi-family) with some office and commercial uses at the periphery.

Staff analyzed the various zoning districts within the study area:

- **Office Limited (OL)** – There is a section of properties zoned OL in the northwest corner of the study area. The properties are have a residential use, which is permitted per the Cincinnati Zoning Code (§1407-05).
- **Commercial Community Mixed (CC-M) and Commercial Community Pedestrian (CC-P)** – The northeast corner and eastern edge of the study area features properties zoned CC-M and CC-P. This zoning is appropriate as it is the neighborhood business district and is commercial in nature.
- **Residential Multi-family (RM-1.2)** – A majority of the properties within the study are zoned RM-1.2. This subdistrict is intended to provide for mixed residential uses at moderately high densities (§1405-03). Parking facilities may be permitted in this zoning subdistrict after review and approval of the conditional use by the Zoning Hearing Examiner (§1405-05).

- **Single-family Residential (SF-4)** – The second largest zoning classification within the study area is Single-family Residential. The SF-4 subdistrict allows for moderately high density single-family housing and parking facilities are not permitted.

City staff and community members were interested in maintaining the single and multi-family residential mix. It was determined that the properties currently zoned Single-family Residential should remain zoned as such. Those properties meet the purposes of the single-family district. Rezoning them from the single-family residential zone would result in a large number of non-conforming properties. Future development must remain single-family residential in character, although some public and non-residential uses may be permitted in certain districts (§1403-03).

The Residential Mixed (RMX) zone is intended to create, maintain and enhance areas of the city that have a mix of lot sizes and house types at moderate intensities (one to three dwelling units) (§1405-03). Existing multi-family buildings of four or more units are acknowledged but new construction is not permitted. City staff determined that rezoning the RM-1.2 properties as RMX would solve current and future concerns about parking lots in the area, while maintaining the residential multi-family zone. New multi-family buildings (Up to 3 units) would be permitted.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with Plan Cincinnati, particularly with the Live Initiative Area to “*Provide a full spectrum of housing options*” (p. 64) and Sustain Initiative Area to “*Preserve our built environment*” (p. 197).

RECOMMENDATION:

The staff of the Department of City Planning recommends that the City Planning Commission take the following action:

APPROVE the proposed changes in zoning of the properties currently zoned RM-1.2 in the area generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south, and Ashland Avenue on the west from RM-1.2 (Multi-family) to RMX (Residential Mixed) in East Walnut Hills.

Respectfully Submitted,



Stacey Hoffman, Senior City Planner
Department of City Planning

Approved:



Charles C. Graves, HI, Director
Department of City Planning

THE EAST WALNUT HILLS ASSEMBLY, INC.

P.O. Box 68050
Cincinnati, Ohio 45206

October 10, 2016

Cincinnati Planning Commission
c/o Charles C. Graves III, Secretary of Planning Commission & Director of Department of City Planning
Two Centennial Plaza
805 Centennial Avenue, Suite 720
Cincinnati, OH 45202

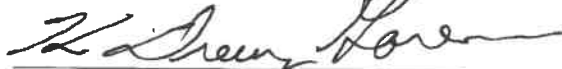
Dear Mr. Graves:

I am the President of the Board of the East Walnut Hills Assembly, Inc., the community council for East Walnut Hills. At our Board meeting on September 28, 2016, the Board voted unanimously to request that the City do a zoning study for the south side of Myrtle Avenue in East Walnut Hills from Woodburn Avenue to the east and Victory Parkway to the west.

Our community is one of the oldest in the City of Cincinnati. We are proud of the historic nature of our community, reflected in the residential streets in our neighborhood. Rebuilding, maintaining and protecting our residential streets is of singular importance to prevent degradation of the historic nature of East Walnut Hills.

The south side of Myrtle Avenue is of particular concern to us. In the past, two houses on Myrtle were razed and parking lots were built, causing destabilization to the residential nature of the street. We are concerned that more houses will be demolished and converted to parking lots, causing further destabilization to Myrtle Avenue and to the Burdett Avenue properties that abut the Myrtle Avenue properties. Therefore, we respectfully request a zoning study that will address these concerns and assure that the residential nature of Myrtle Avenue and Burdett Avenue is preserved.

The East Walnut Hills Assembly, Inc.


H. Drewry Gores, President

THE EAST WALNUT HILLS ASSEMBLY, INC.

P.O. Box 68050
Cincinnati, Ohio 45206

Dear East Walnut Hills Resident and/or Property Owner:

The Board of the East Walnut Hills Assembly, Inc. (EWHHA), the community council for East Walnut Hills, voted at the October 2016 meeting to request that the City of Cincinnati do a zoning study for the street where you rent or own property. The streets that will encompass the study include:

- * the south side of Myrtle Avenue between Woodburn Avenue and Victory Parkway;
- * Burdett Avenue between Woodburn Avenue and Ashland; and
- * the north side of Wm. Howard Taft between Woodburn Avenue and Ashland.

The request was precipitated by the purchase of 1347-1349 Myrtle Avenue by UC Physicians for the purpose of demolishing the structure to build another parking lot on the south side of Myrtle. The current zoning on the south side of Myrtle (RM-1) permits parking lots if a conditional use variance is granted by the City. This comes at a time when Myrtle Avenue has attracted a developer who has purchased a property to build new residential housing on Myrtle Avenue. To promote the residential redevelopment and preservation of Myrtle Avenue and abutting properties, the EWHHA Board has asked the City Planning Commission to study the area to determine if a zone change prohibiting parking lots would make sense to promote the residential nature of the area being studied. Burdett was added to the study due to its proximity to Myrtle and the business district. It is currently zoned SF-4, which restricts parking lots. Wm. Howard Taft, currently zoned RM-1, was added to the study due to the future development planned on the former Anthem site directly across the street.

The City will be sending you further information about the plans to study this area. The study will include a public process where you will be able to voice your concerns and ask questions regarding any recommendations made by the Planning Commission. You may also receive more information by contacting the chair of the EWHHA Board Development Committee, Rae Vuic at (513) 373-1606, or by attending the public Assembly meetings, which are typically held on the first Wednesday of each month at the St. Francis de Sales School cafeteria, 1602 Madison Rd.

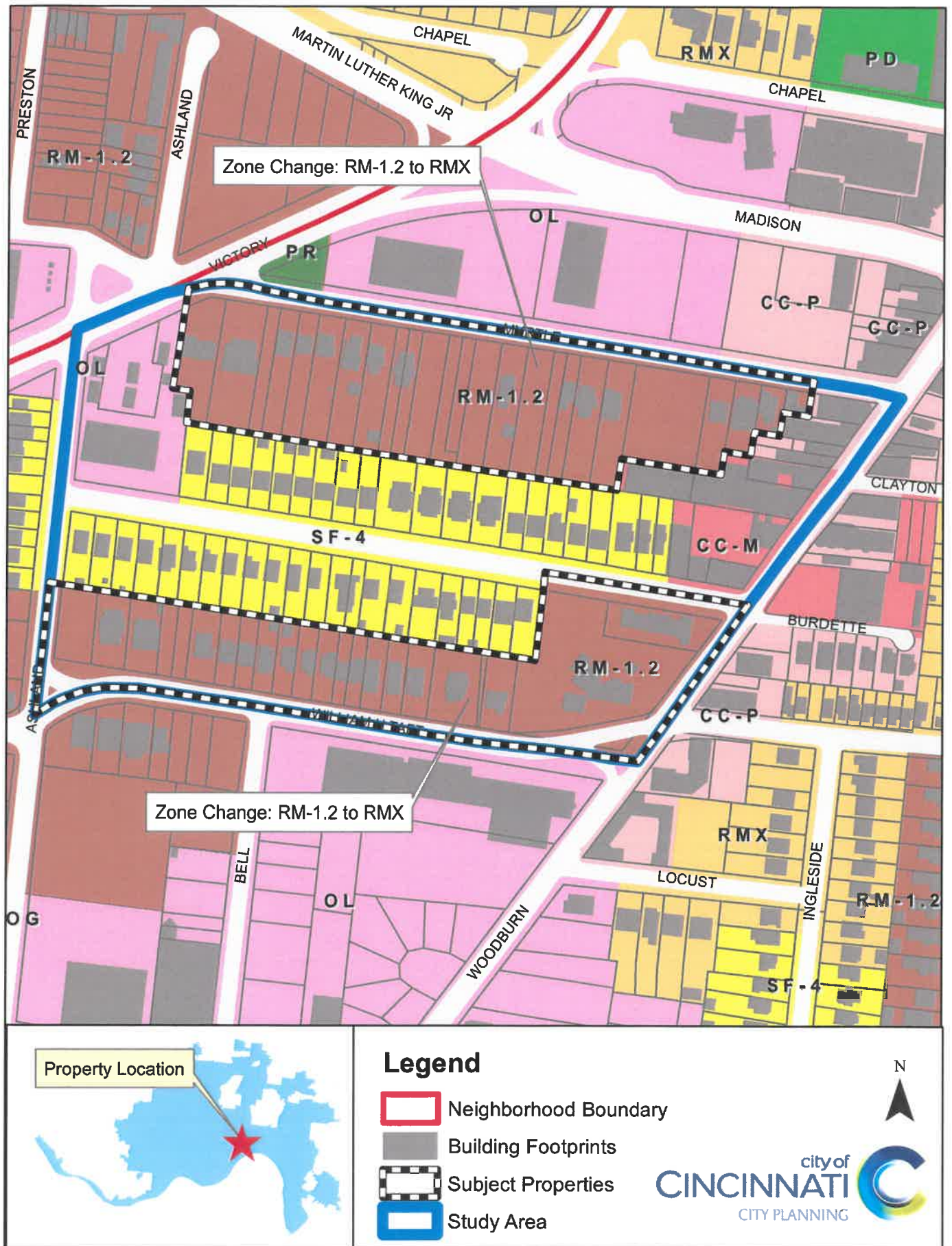
Our community is one of the oldest in the City. We hope that you share the Board's pride in the historic nature of our community and celebrate the positive changes in our business district as new businesses open and the revitalization of the business district continues. We also hope that you share the Board's commitment to maintaining, protecting and rebuilding our residential streets, which are critical to ensuring the livability and vibrancy of our entire community. We further hope that you will participate in the public process during the zoning study and that you will join us (or continue to join us) in our efforts to make East Walnut Hills one of the best places in the City to live, work and play.

Sincerely,



Drew Gores, President
East Walnut Hills Assembly

Proposed Zone Change in East Walnut Hills: RM-1.2 to RMX



**East Walnut Hills Zone Change: RM1.2 to RMX
Subject Properties**

PARCEL ID	Address	Property Owner	Land Use Description
6100020021	1305 Myrtle Avenue	Elmer Johnson	Single Family
6100020020	1323 Myrtle Avenue	The Presbytery of Cincinnati	Institutional
6100020019	1327 Myrtle Avenue	The Presbytery of Cincinnati	Institutional
6100020018	1329 Myrtle Avenue	Oscar Murph	Multi Family
6100020105	1333 Myrtle Avenue	Richard Carter	Single Family
6100020017	1335 Myrtle Avenue	Betty Jean Wilkins and Patricia Ann Hodge	Multi Family
6100020016	1339 Myrtle Avenue	LaWanda Henry	Two Family
6100020015	1345 Myrtle Avenue	John & Robyn Haysbert	Two Family
6100020014	1347 Myrtle Avenue	UC Health LLC	Two Family
6100020041	1349 Myrtle Avenue	UC Health LLC	Two Family
6100020008	1355 Myrtle Avenue	Piedmont Eden Limited Partnership	Commercial
6100020010	1359 Myrtle Avenue	Piedmont Eden Limited Partnership	Vacant
6100020007	1363 Myrtle Avenue	Andrea Reece	Single Family
6100010009	1369 Myrtle Avenue	Hamilton County Land Reutilization Corporation	Institutional
6100010010	1371 Myrtle Avenue	Mattie Manning	Vacant
6100010088	1373 Myrtle Avenue	William Manning & Mattie Strickland	Two Family
6100010011	1375 Myrtle Avenue	Carol Dorsey	Multi Family
6100010012	1379 Myrtle Avenue	NVS Properties LLC	Multi Family
6100010014	1381 Myrtle Avenue	Greater Cincinnati Behavioral Health Services	Institutional
6100010017	1387 Myrtle Avenue	Norman & Gwendolyn Parham	Single Family
6100010021	1397 Myrtle Avenue	Aljean Rogers	Multi Family
6100010025	1403 Myrtle Avenue	Kevin Rice	Two Family
6100010026	1405 Myrtle Avenue	Wayne Fan	Two Family
6100020011	2830 Victory Parkway	Piedmont Eden Limited Partnership	Commercial
6100020013	2830 Victory Parkway	Piedmont Eden Limited Partnership	Commercial
6200010027	1302 William H Taft Road	Thomas E and John D Walter Properties	Vacant
6200010110	1308 William H Taft Road	Isaiah Lewis	Multi Family
6200010025	1316 William H Taft Road	Thomas E and John D Walter Properties	Multi Family
6200010024	1318 William H Taft Road	Thomas E and John D Walter Properties	Vacant
6200010023	1320 William H Taft Road	Thomas E and John D Walter Properties	Commercial
6200010022	1322 William H Taft Road	Vaughn, Renee & Jamie Anderson Trust	Multi Family
6200010021	1326 William H Taft Road	Nicole Gee & Titus Cromer	Single Family
6200010020	1328 William H Taft Road	India Sellers	Multi Family
6200010018	1330 William H Taft Road	Jason Mosbaugh	Single Family
6200010098	1332 William H Taft Road	ETC FBO	Single Family
6200010017	1334 William H Taft Road	Rashawn Cureton & Shelly Davis-Cureton	Two Family
6200010016	1336 William H Taft Road	Bradley Webb	Two Family
6200010015	1338 William H Taft Road	Regina Jones & James Prues	Single Family
6200010014	1340 William H Taft Road	David Fabian	Two Family
6200010013	1342 William H Taft Road	Select Ohio Properties LLC	Multi Family
6200010012	1344 William H Taft Road	Solomon & Martha Walker	Two Family
6200010011	1346 William H Taft Road	Robert Ice	Multi Family
6200010111	1350 William H Taft Road	David & Gina Brenner	Vacant
6200010010	1350 William H Taft Road	David & Gina Brenner	Single Family
6200010106	1352 William H Taft Road	Nikkita Washington	Two Family
6200010007	2605 Woodburn Avenue	Talbert Services Inc	Institutional
6200010008	2621-2 Woodburn Avenue	James-Roberson & Associates LLC	Multi Family

Hoffman, Stacey

From: Ken <klm_30168@yahoo.com>
Sent: Thursday, February 09, 2017 7:50 PM
To: Hoffman, Stacey; Kenneth McGhee
Subject: Proposed Zone Change

Hello,

I am a long time resident of East Walnut Hills and I live/own the property at 1384 Burdett Ave. I received a notice of a public staff conference on a proposed zone change and I am concerned about the zoning change. My concern is the dwindling residential housing in the area and believe this zone change will harm the needed residential growth in the area.

Unfortunately, I will be traveling and unable to attend the meeting on Tuesday February 21, 2017. I am a proponent of promoting residential redevelopment and preservation of Myrtle ave adn abutting properties.

Regards,

Ken McGhee
678.764.0149

K. L. McGhee

- When you walk let your heart lead the way -

Hoffman, Stacey

From: Marcia Futel <marcia.futel@gmail.com>
Sent: Saturday, February 18, 2017 7:37 AM
To: Hoffman, Stacey
Subject: Support of East Walnut Hills Assembly Proposal; Hearing Date February 21, 2017

RE: Support of East Walnut Hills Assembly Proposal; Hearing Date February 21, 2017

To: Stacey Hoffman, Senior City Planner

Department of City Planning, City of Cincinnati

I live at 1323 Burdett Avenue in East Walnut Hills. I am writing in support of the proposal submitted by the East Walnut Hills Assembly, Inc. for a zone change for properties currently zoned RM-1.2 bounded by Myrtle Avenue, Woodburn Avenue, Wm Howard Taft, and Ashland Avenue to **RMX (Residential Mixed)**.

As a long-standing resident, I oppose any efforts that threaten to reduce the number of residential properties in our area. I support the Assembly's efforts to preserve and promote residential development and the preservation of our neighborhood.

Thank you,

Marcia A. Futel

Hoffman, Stacey

From: Jessie Boone <jesscboone@gmail.com>
Sent: Tuesday, February 21, 2017 11:32 AM
To: Hoffman, Stacey
Subject: Myrtle Ave Re-Zoning

Hello Ms. Hoffman,

I live on Burdett Ave in East Walnut Hills. I was disappointed to wake up to the destruction of the latest property on Myrtle Ave yesterday, so that UC Health can pave yet another parking lot. Our Assembly was attempting to save that building from destruction. Yet ONE DAY before this planned zoning meeting, it was demolished.

I am writing to show my support for the rezoning of Myrtle from RM-1.2 to RMX so that we can prevent ourselves from being boxed in by more pavement. East Walnut Hills is thriving, its resident numbers are growing and we're showing more and more interest in building a community.

Please consider those of use who are in the midst of this destruction, who love our neighborhood very deeply, and who hope to revitalize rather than tear down.

Please reach out to me if you have any questions. I am going to try my best to make it down to your meeting this afternoon, but work may prevent that possibility. I hope that you will represent me in my absence.

Jessie Boone
1318 Burdett Ave
Cincinnati, OH 45206
[513.382.7716](tel:513.382.7716)

March 7, 2017

To: Stacey Hoffman

From: Beverly Brewer Ferguson

RE: Zone Change for the properties now zoned RM1.2 (Myrtle, Woodburn, William H. Taft and Ashland Av.) to the requested change of RMX (Residential Mixed) in East Walnut Hills.

My residence/family has been owned by my Mother (sisters and brothers) who just passed away in November of 2016 for over 75 years. We all have seen changes gradually being made to better the use of the abandoned properties in the neighborhood in increments. Of course, it has been beneficial without disturbing the present look of the residential neighborhood as it was originally designed for. However, to allow those who do not reside in the neighborhood **should not** be allowed to make changes as they see fit, without addressing the "East Walnut Hills Assembly" for dialogue/input on the purpose of the projects or changes they want to make. In other words come to a common dialogue for an up or down conversation. We do also pay taxes which gives us a right to approve or disapprove any change to our neighborhood.

The outside businesses should **never** be able to dictate to the our community without dialogue first before purchasing properties, changing uses, wrecking them etc. just to benefit themselves. For instance; after the businesses who have requested the change close at the end of their work day be allow for profit to use the areas for some type of fee on a rental basis etc.

PLEASE NOTE: On Myrtle Av. JUST RECENTLY A HOUSE WAS PURCHASED AND IS NOW A PARKING LOT (again). I believe UC was the purchaser. This is a perfect example of what could now destroy the residential make-up of the community without dialogue OF BOTH PARTIES (COMMUNITY COUNCIL & PURCHASER). There should be no prying on **SENIORS FOR THE SALE OF PROPERTIES WHO DO NOT FULLY UNDERSTAND WHAT IS GOING ON OR HAPPENING TO THE DISTRUTION OF OUR NEIGHBORHOOD!!!!** The decision body of the Planning Commission I'm sure would not like this type of freedom going on in their neighborhoods. **TREAT THOSE AS YOU WOULD TREAT YOURSELF!!!**

THANK YOU!!

**Honorable City Planning Commission
Cincinnati, Ohio**

March 17, 2017

SUBJECT: A report and recommendation on text amendments to the Cincinnati Zoning Code, specifically Schedule 1409-07: Use Regulations – Commercial Districts to require a “food market” be limited to a maximum of 2,500 square feet and be part of a mixed-use building in the Commercial Neighborhood – Pedestrian (CN-P) zoning district.

BACKGROUND:

On June 3, 2016, the City Planning Commission recommended approval of Interim Development Control (IDC) Overlay District No. 80 to City Council and recommended that the Department of City Planning conduct a zoning study in the area. On June 15, 2016, Cincinnati City Council established IDC No. 80 by emergency ordinance for a period of three months and directed City Planning Staff to undertake a zoning study for this area to address the concerns that land speculators have begun to acquire small parcels and potentially threaten land uses that threaten redevelopment efforts. This study is examining possible changes to the Zoning Code and/or Zoning Map, coordinating with other City Departments to address issues that have been brought up, including parking and circulation. A nine-month extension was approved by City Planning Commission on July 15, 2016 and by City Council on August 3, 2016. The IDC will expire on June 15, 2017.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC No. 80 – Incline District Investment Area. The Department of City Planning staff is the designated administrative reviewer. All permits that fall within IDC No. 80 boundary for new construction, demolition of existing structures, exterior alterations or additions to existing structures, changes in use, site improvements, construction or reconstruction of streets or curb cuts, and excavation and fill are made subject to review by the City Planning Commission in accordance with the “Regulations and Application Review Guidelines for Interim Development Control District No. 80, Incline District Investment Area [...] and Designation of Administrative Reviewer.”

The main focus of the zoning study was to determine the appropriate uses permitted in the Commercial Neighborhood – Pedestrian (CN-P) zoning district. During the zoning study, it was determined that the main issue was that no building in the CN-P should be 15,000 square feet, which is the current maximum size for a food market. The CN-P zoning district is the lowest intensity commercial district in the City of Cincinnati, and is generally located on secondary streets and not major arterials where a 15,000 square food market would typically locate. The definition of food market also includes convenience markets.

During the zoning study, there was significant support to update the CN-P use regulations to make them more like the use regulations found in the proposed Pedestrian Mix (PX) zoning district, which is a zoning district that is part of the City’s Draft Land Development Code (LDC). In this zoning district, individual tenant footprints are limited to 5,000 square feet and convenience stores (food markets) are limited to 2,500 square feet and must be part of a larger mixed use building. If an applicant wishes to stray from these regulations, they would need to apply for a variance through the Zoning Hearing Examiner, which is a public process in which surrounding property owners and neighborhood leadership are notified and given the opportunity to weigh in on the proposal.

The final outcome of the zoning study was to amend §1409-07: Use Regulations – Commercial Subdistricts. This amendment will limit “food markets” in the CN-P to 2,500 square feet as part of a mixed-use building; more space requires conditional use approval.

ANALYSIS:

The proposed zoning text amendment to the CN-P would affect the use of a “food market” for every CN-P zoning district within the City of Cincinnati. Although the size and building form permitted by-right would change significantly, the purpose of the CN-P zoning district, according to § 1409-03 of the Cincinnati Zoning Code, is “To identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses. Typical uses include retail, services, housing, office, open space, eating and drinking establishments and smaller-scale public and recreation and entertainment uses. Future development must be of a pedestrian-oriented commercial or mixed-use nature, serving the immediate neighborhood.”

The proposed text amendments will help the CN-P attain this purpose, limiting the size of a food market in a district that is meant to be populated by small-scale, mixed-use buildings.

PUBLIC COMMENT:

The public comment portion for this zoning study started once the Incline District Investment Area IDC was established. The first staff conference was held on July 19, 2016 and a second staff conference was held on November 9, 2016. Both of these staff conferences were related to the IDC and only residents, business owners, and community leaders of East Price Hill within the IDC boundary were noticed of these staff conferences. After the second staff conference with the East Price Hill community, it was made clear to staff that there was the most support for amending the existing CN-P zoning district to be more like the Draft PX zoning district from the Draft Land Development Code.

Staff sent notice of a public staff conference by mail to all Community Councils since text amendments to the Zoning Code affect every CN-P zoning district in the City. Staff also sent an email notice to everyone who was involved with the East Price Hill zoning study and IDC. The staff conference was held on March 2, 2017 with six people in attendance. Of the six people who attended, four were from East Price Hill and two were from Mount Auburn. Everyone who attended the meeting was supportive of the proposed text amendment.

CONSISTENCY WITH PLANS:

The *Incline District Master Plan* (2012) states that “the expansion of the pedestrian oriented NBD along Price Avenue could potentially provide opportunities for daily shopping, medical supplies sales, and local walk in restaurants to complement the recently approved Incline Square development (page 36).” A smaller footprint for food markets encourages that daily shopping model that would allow neighborhood residents to make small trips without the use of an automobile.

The sixth highest rated goal of the *Price Hill Plan* (2015) states that “Price Hill Neighborhood Business Districts (NBDs) and commercial nodes are vibrant centers of positive social activity and commerce – they are easy to get to and travel around both for automobile and pedestrian travelers. Commercial property is ready to attract stable businesses with a variety of offerings (page 19).” Reducing the maximum footprint of food markets will help this area become more pedestrian friendly to help accomplish this goal.

The Live Initiative Area of *Plan Cincinnati* (2012) has a strategy to “Support and stabilize our neighborhoods (page 160).” Although this strategy generally relates to housing, a mid-range action step is to “Monitor neighborhood indicators system to determine where to focus neighborhood redevelopment efforts and resources (page 160).” A 15,000 square foot tenant footprint for a food market would generally be an out-of-scale development within the CN-P zoning district, so this text amendment will help maintain the existing neighborhood fabric of our lowest intensity commercial districts.

RECOMMENDATION:

The staff of the Department of City Planning recommends that the City Planning Commission take the following action:

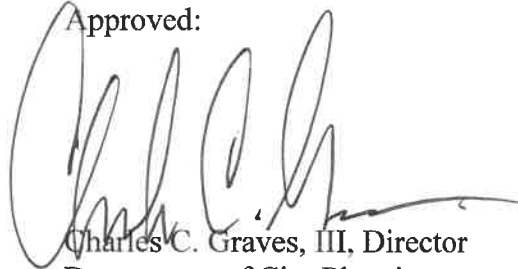
1. **APPROVE** the proposed text amendments to the Cincinnati Zoning Code, specifically Schedule 1409-07: Use Regulations – Commercial Districts to require a “food market” be limited to a maximum of 2,500 square feet and be part of a mixed-use building in the Commercial Neighborhood – Pedestrian (CN-P) zoning district.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'James Weaver', with a long horizontal flourish extending to the right.

James Weaver, AICP, Senior City Planner
Department of City Planning

Approved:

A handwritten signature in black ink, appearing to read 'Charles C. Graves, III', with a long horizontal flourish extending to the right.

Charles C. Graves, III, Director
Department of City Planning

Chapter 1409 - COMMERCIAL DISTRICTS

§ 1409-01. - Purposes.

The general purposes of commercial districts are to:

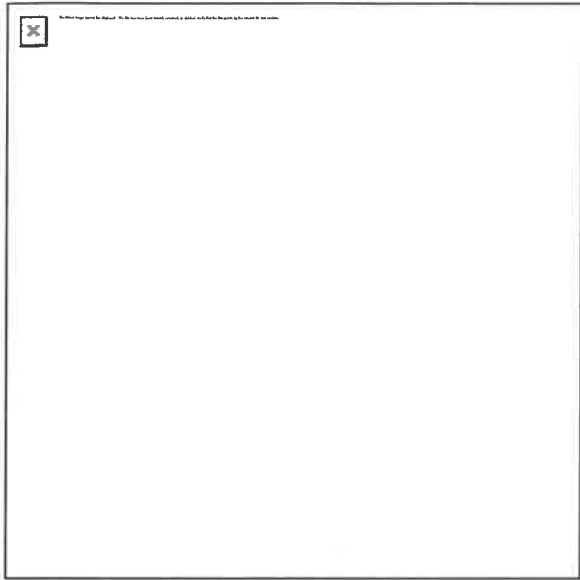
- (a) Encourage the creation of new and the enhancement of existing commercial districts serving adjacent residential neighborhood areas.
- (b) Encourage the creation of neighborhood activity centers as focal points along transportation corridors.
- (c) Encourage quality and variety in building and landscape design as well as compatibility in use and form, where appropriate.
- (d) Establish appropriate standards for reviewing proposals for new development and redevelopment, where appropriate, in commercial areas.
- (e) Allow certain limited mixed commercial/residential uses, where appropriate.
- (f) Maintain and enhance existing commercial districts, giving special consideration to type, scale, intensity and access.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

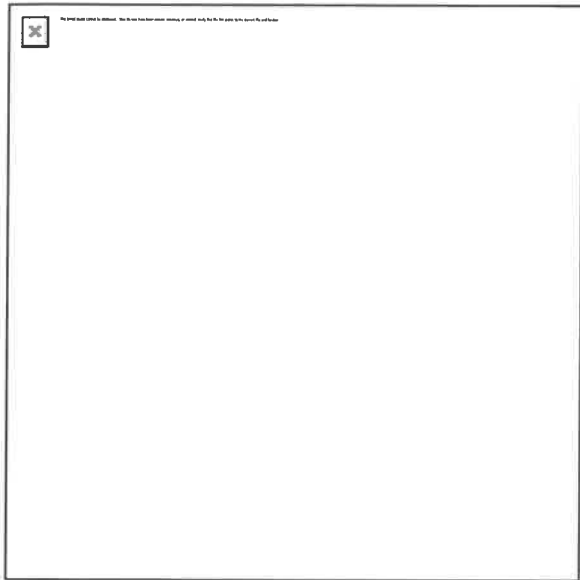
§ 1409-03. - Specific Purposes of the Commercial Subdistricts.

The specific purposes of the commercial subdistricts are:

- (a) *CN Commercial Neighborhood.* To identify, create, maintain and enhance mixed-use neighborhood commercial centers that reflect smaller-scale, pedestrian-oriented development with continuous street frontage and a mix of commercial and residential uses. Typical uses include retail, services, housing, office, open space, eating and drinking establishments and smaller-scale public and recreation and entertainment uses. Future development must be of a pedestrian-oriented commercial or mixed-use nature, serving the immediate neighborhood.
- (b) *CC Commercial Community.* To identify, create, maintain and enhance areas suitable for a wide variety of commercial and institutional uses along major transportation corridors and in shopping districts or centers. Although these centers may reflect elements of both pedestrian- and auto-oriented development, they typically accommodate larger-scale retail and commercial service uses, such as auto-related businesses and recreation and entertainment, as well as a variety of public and semi-public uses. Future development must reflect a complementary and compatible mix of uses, and may include residential uses.
- (c) *CG Commercial General.* To maintain, support and create areas of the City that serve as region-drawing centers of activity. These areas should reflect a mix of commercial, office, recreation and entertainment and arts uses that reflect the regional importance of the area.



Figures 1409-03-A, B



Figures 1409-03-C, D

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1409-05. - Community Character.

Three community character designations are established to enhance each type of commercial district:

- (a) **Pedestrian.** This district designation is intended for areas with a traditional urban character, where buildings are required to be built to the street or sidewalk line, to provide a close relationship between pedestrians and shops. Design standards will reinforce this character and require treatments that provide an interesting pedestrian environment. This designation may apply to some areas where a few auto-oriented uses exist, but where restoring the pedestrian character is specified in a community plan or other documentation approved by the Planning Commission.
- (b) **Mixed.** This district designation is intended to provide for a mix of the pedestrian and auto-oriented development. Older, pedestrian-oriented buildings may be intermixed with newer, auto-oriented uses.

- (c) Auto-oriented. This district designation is intended for areas that provide for easy automobile access. Large buildings are located on the site with parking in front. Out lots associated with shopping centers often contain auto-oriented businesses. Performance standards are intended to mitigate the impact of the parking lots and buffer adjacent residential areas.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1409-07. - Land Use Regulations.

Schedule 1409-07 below prescribes the land use regulations for C Districts. Use classifications are defined in Chapter 1401, Definitions. Use classifications not listed in Schedule 1409-07 below are prohibited.

The regulations for each subdistrict are established by letter designations as follows:

- (a) "P" designates permitted uses. These uses may be subject to additional regulations as indicated.
- (b) "L" designates uses that are permitted, subject to certain limitations. Numeric suffixes refer to limitations listed at the bottom of Schedule 1409-07. Except as otherwise indicated, modifications of a numerical, locational or dimensional limitation requires a variance under Chapter 1445 - Variances, Special Exceptions and Conditional Uses.
- (c) "C" designates uses permitted only after review and approval of the conditional use by the Zoning Hearing Examiner. These uses may be subject to additional regulations as indicated.

Schedule 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
Residential Uses							
Bed and breakfast home	P	P	P	P	—	—	See § 1419-09
Day care home - Adult	P	P	P	P	P	—	
Day care home - Type A	L3	L3	L3	L3	L3	—	
Day care home - Type B	L3	L3	L3	L3	—	—	
Group residential							
Congregate housing	P	P	P	P	P	P	
Convents & monasteries	P	P	P	P	—	—	

Dormitories	P	P	P	P	P	—	
Fraternities & sororities	P	P	P	P	—	—	
Patient family homes	P	P	P	P	—	—	
Rooming houses	L1	L1	L1	L1	—	—	
Shared housing for elderly	P	P	P	P	—	—	
Permanent residential							
Single-family dwelling	P	P	P	L2	L2	—	
Attached single-family dwelling	P	P	P	—	—	—	
Two-family dwelling	P	P	P	L2	L2	—	
Multi-family dwelling	P	P	P	L2	L2	—	
Residential care facilities							
Assisted living	P	P	P	P	P	—	
Developmental disability dwelling	P	P	P	L2	L2	—	
Nursing home	P	P	P	P	P	—	
Special assistance shelter	C	C	C	C	C	C	
Transitional housing							
Programs 1—4	P	P	P	L2	L2	—	
Program 5	—	—	—	P	P	P	
Program 6	—	—	—	C	P	P	
Public and Semipublic Uses							

Clubs and lodges	P	P	P	P	P	P	
Colleges, public or private	—	—	—	C	P	P	
Community service facilities	P	P	P	P	P	P	
Cultural institutions	P	P	P	P	P	P	
Day care center	P	P	P	P	P	P	
Government facilities and offices							
Offices	L13	L13	P	P	P	P	
Hospitals	—	—	—	—	—	P	
Park and recreation facilities	P	P	P	P	P	P	
Public maintenance facilities	—	—	—	—	C	C	
Public safety facilities	P	P	P	P	P	P	
Religious assembly	P	P	P	P	P	P	
Schools, public or private	P	P	P	P	P	P	
Commercial Uses							
Ambulance services	—	—	—	—	P	P	
Animal services	L4	L4	L4	L4	L9	L9	
Banks and financial institutions	L13	L13	P	P	P	P	
Bed and breakfast inns	P	P	P	P	P	P	
Building maintenance services	—	—	—	—	P	P	
Building materials sales and services	—	—	—	L5	L5	P	

Business services	L13	L13	P	P	P	P	
Commercial meeting facility	—	—	—	P	P	P	
Eating and drinking establishments							
Drinking establishments	L13	L13	L13	P	P	P	
Restaurants, full service	L6, L13	L6, L13	L6	P	P	P	See § 1419-21
Restaurants, limited	L6, L13	L6, L13	L6	P	P	P	See § 1419-21
Food markets	L13 <u>L14</u>	L13	P	P	P	P	
Food preparation	L13	L13	P	P	P	P	
Funeral and interment services	P	P	P	P	P	P	
Garden supply stores and nurseries	—	—	—	L5	L5	P	
Hotels and commercial lodging	—	—	—	P	P	P	
Laboratories, commercial	L13	L13	P	P	P	P	
Loft dwelling units	P	P	P	P	P	P	See § 1419-23
Maintenance and repair services	L13	L13	P	P	P	P	
Medical services and clinics	L13	L13	P	P	P	P	
Offices	L13	L13	P	P	P	P	
Parking facilities	C	P	C	P	P	P	See Chapter 1425
Personal instructional services	L13	L13	P	P	P	P	
Personal services	L13	L13	P	P	P	P	
Private vehicular storage Lot	—	—	—	—	P	P	

Recreation and entertainment							
Indoor or small-scale	L13	L13	P	P	P	P	
Outdoor or large-scale	—	—	—	—	C	P	
Retail sales	L13	L13	P	P	P	P	
Vehicle and equipment services							
Vehicle and equipment sales and rental	—	—	—	C	L8	P	
Car wash	—	—	—	P	P	P	See § 1419-11
Fuel sales	—	P	—	P	P	P	See § 1419-15
Vehicle repair	—	—	—	C	P	P	See § 1419-27
Industrial Uses							
Production industry							
Artisan	C	C	C	C	P	P	
Limited	—	—	—	—	P	P	
Warehousing and storage							
Contractor storage	—	—	—	—	L5	L5	
Indoor storage	—	—	—	—	P	P	
Wholesaling and distribution	—	—	—	—	P	P	
Transportation, Communication and Utilities Uses							
Communications facilities	P	P	P	P	P	P	
Public utility distribution system	P	P	P	P	P	P	

Radio and television broadcast antenna	—	—	—	—	C	C	
Transportation facilities							
Heliports	—	—	—	—	C	C	
Railroad right-of-way	P	P	P	P	P	P	
Transportation passenger terminals	—	—	—	—	P	P	
Wireless communication antenna	L7	L7	L7	L7	L7	L7	See § 1419-33
Wireless communication tower	C	C	C	C	C	C	See § 1419-33
Agriculture and Extractive Uses							
Community gardens	P	P	P	P	P	P	See § 1419-41
Accessory Uses							See Chapter 1421
Any accessory use not listed below	L10	L10	L10	L10	L10	L10	
Refuse storage areas	P	P	P	P	P	P	See § 1421-35
Drive box	L11	L11	L11	L11	L11	L11	
Commercial vehicle parking	P	P	P	P	P	P	
Exterior lighting	P	P	P	P	P	P	See § 1421-39
Small-scale specialized incinerator	L12	L12	L12	L12	L12	L12	
Portable storage containers	P	P	P	P	P	P	See § 1419-24
Nonconforming Uses							See Chapter 1447

Specific Limitations

- L1 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.
- L2 Permitted only above the ground floor in a mixed use building. Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.
- L3 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.
- L4 Permitted, provided that there are no outdoor exercise areas, yards or pens and mechanical ventilation and air filter devices must be provided.
- L5 Permitted provided that outside storage is screened with an 8 ft. privacy fence.
- L6 Presentation of entertainment is not permitted in outdoor areas.
- L7 Antenna height may not exceed 20 feet; greater height required a conditional use approval. The antenna may be attached to a multi-family, public and semi-public, commercial or public utility building or structure.
- L8 Permitted on arterial streets with a maximum site size of two acres. Vehicle loading and unloading must occur on-site.
- L9 Outdoor exercise areas, yards or pens must be 100 feet from any residential district.
- L10 Accessory uses determined by the Zoning Administrator to be customarily incidental to a use of the district are permitted except where expressly prohibited. All others require conditional use approval.
- L11 The storage space is less than 30 cubic yards; enclosed by a screen fence or within a structure; and at least 100 feet from any property used for residential purposes.
- L12 The material incinerated is generated on-site and is located on a roof or at least 100 feet from any property used for residential purposes.
- L13 Use is limited to 15,000 square feet; more space requires conditional use approval.
- L14 Use is limited to 2,500 square feet as part of a mixed-use building; more space requires conditional use approval.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 236-2005, eff. July 21, 2005; a. Ord. No. 98-2006, § 1, eff. May 18, 2006; a. Ord. No. 0027-2007, §§ 1, 2, eff. Feb. 18, 2007; a. Ord. No. 150-2008, § 1, eff. June 7, 2008; a. Ord. No. 160-2008, § 1, eff. June 7, 2008; a. Ord. No. 414-2008, § 10, eff. Jan. 4, 2009; a. Ord. No. 304-2009, § 1, eff. Dec. 12, 2009; a. Ord. No. 038-2010, § 1, eff. March 18, 2010; a. Ord. No. 457-2010, § 1, eff. Jan. 23, 2011; Emer. Ord. No. 141-2015, § 11, eff. July 1, 2015)

§ 1409-09. - Development Regulations.

Schedule 1409-09 prescribes the development regulations for Commercial Districts, maximum building height, minimum setbacks, driveways and parking and other standards that apply. Yes means regulations apply.

Schedule 1409-09: Development Regulations - Commercial Districts

Regulations	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations

Building Scale-Intensity of Use							
Minimum Lot Area	0	0	0	0	0	0	
Building Form and Location							
Maximum building height (ft.)	50	50	85	85	85	85	
Minimum building height (ft.)	15	15	15	15	15	15	
Minimum front yard setbacks (ft.)	0	0	0	0	0	0	
Maximum front yard setbacks (ft.)	0	12	0	12	—	—	See § 1409-19
Building placement requirements	Yes	Yes	Yes	Yes	No	No	See § 1409-17 and § 1409-21
Ground floor transparency standards	Yes	Yes	Yes	Yes	No	No	See § 1409-23
Vehicle Accommodation - Driveways and Parking							
Driveway restrictions	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-11
Drive-through facilities	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-13 and 1419-13
Location of parking	Yes	Yes	Yes	Yes	No	No	See § 1409-25
Parking lot landscaping	Yes	Yes	Yes	Yes	Yes	Yes	See § 1425-29
Truck docks; loading and service areas	Yes	Yes	Yes	Yes	Yes	Yes	See § 1409-15
Other Regulations							
Buffering along district boundaries	Yes	Yes	Yes	Yes	Yes	Yes	See § 1423-13
Accessory structures	See Chapter 1421						

General site standards	See Chapter 1421						
Landscaping and buffer yards	See Chapter 1423						
Nonconforming structures	See Chapter 1447						
Parking and loading	See Chapter 1425						
Signs	See Chapter 1427						
Additional development regulations	See Chapter 1419						
Residential Regulations							
New residential only							
Lot area/unit (sq. ft.)	700	700	700	700	700	700	
Front yard setback	0	0	0	0	0	0	
Interior side yard setback	0	0	0	0	0	0	
Corner side yard setback	0	0	0	0	0	0	
Rear yard setback	25	25	25	25	25	25	
Residential development in existing buildings							
Lot area/unit (sq./ft.)	500	500	500	500	500	500	

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 99-2006, § 1, eff. May 18, 2006; a. Ord. No. 150-2007, § 1, eff. June 7, 2008)

§ 1409-11. - Driveway Restrictions.

In pedestrian and mixed commercial districts, vehicular access must be from a side street or alley wherever practical. In all other commercial districts the location, number of and distances between driveways must be approved by the Department of Transportation and Engineering.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

§ 1409-13. - Drive-Through Components.

In CN-P and CC-P - No drive-through components allowed.

In CN-M and CC-M - Drive-through components must be located in the rear yard or on the building elevation facing the rear yard. Drive-through components on a corner lot require conditional use approval pursuant to Chapter 1445 Variance, Special Exception and Conditional Uses.

In CC-A and CG-A - No restriction on location.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004; a. Ord. No. 0053-2008, § 1, eff. March 13, 2008)

Weaver, James

From: Peppers, Alex
Sent: Thursday, March 09, 2017 4:19 PM
To: Weaver, James
Subject: FW: CPC Item #3 Agenda for March 17, 2017

From: Graves, Charles
Sent: Thursday, March 09, 2017 4:15 PM
To: Keough-Jurs, Katherine; Peppers, Alex
Subject: FW: CPC Item #3 Agenda for March 17, 2017

From: kurtatparkplace@gmail.com [<mailto:kurtatparkplace@gmail.com>]
Sent: Thursday, March 09, 2017 4:04 PM
To: Graves, Charles
Subject: CPC Item #3 Agenda for March 17, 2017

Dear Mr. Graves:

I have been living in downtown Cincinnati for some nine years.

I write to make of-record an objection to the proposed amendment to the Cincinnati Zoning Code, specifically Schedule 1409-07: Use Regulations – Commercial Districts. This matter is currently scheduled as Item #3 on the Agenda for the Planning Commission meeting scheduled for March 17, 2017. I ask that my objection be made of record and noticed to all members of the Planning Commission in due time before the meeting (which I cannot attend).

Currently, the Commercial Neighborhood – Pedestrian (“CN-P”) Zoning District permits both various publis-connected establishments, such as Restaurants, Drinking Establishments, Retail Stores, Banks, and Food Markets, to be up to 15,000 square feet. The proposed amendment would limit only food markets to 2,500 square feet. That is, in my estimation, a dangerous and unnecessary move. In the first place, we already know about the problem with “food islands” throughout the city of Cincinnati. Part of the solution is to have viable food markets which can provide a sufficient array of food stuffs to meet the community needs. That is often not going to be possible in a foot print of only 2,500 square feet. Indeed, it may be so limiting that viable grocery stores will skip those areas thereby continuing to isolate these devastating food islands.

While the proposal grew out of an overlay for the Inline District Investment Area, by its terms, it will apply to all CN-P zones throughout the city. The needs throughout the City are not the same from neighborhood to neighborhood, making a limitation such as this one a result of poor, not careful, planning.

Moreover, the premise for the change is debatable, at best. For example, the Analysis offered by Staff suggests that limiting the size of a food market serves the purpose of populating the district with “small-scale, mixed use buildings.” Yet, restaurants, retail sales, banks, and drinking establishments (to name a few) of 15,000 square feet are permissible? That seems to beg the question, why restrict food markets, which are the only possible source of sound food options to eliminate food islands? Larger footprints do not seem to be a problem, yet food markets are singled out?

Similarly, the alleged "Consistency with Plans" argues that a smaller footprint for food markets encourages daily shopping that allows neighborhood residents to make small trips without the use of an automobile. How so? A larger food market in now way discourages pedestrian use of the food market. Quite to the contrary, a larger food market allows a sufficient inventory of food stuffs to allow pedestrian shoppers to get whatever they need locally, without the need to drive to super stores or the like for their daily food needs.

It is also argued that reducing the footprint for food markets will help areas become more pedestrian friendly to accomplish the goal of attracting stable business. How is a smaller food market going to do that, all the while larger restaurants, retail shops, banks, and drinking establishments seemingly do the same (as they are nonetheless permitted).

Finally, it is argued that a 15,000 square foot tenant footprint for a food market "would generally be an out-of-scale development within the CN-P zoning district" yet other 15,000 commercial (including food-based and drink-based establishments) public-related endeavors of 15,000 square feet are permitted.

At the end of the day, there seems to be a solution in need of a problem, rather than a problem that needs a solution. For whom is there really a benefit here? Certainly not the starving food islands throughout our city. And this is certainly inconsistent with what is otherwise still allowed in the CN-P zoning district. This discriminatory treatment of food markets makes little sense, and risks harm to our community. I encourage the Planning Commission to reject this proposed amendment.

Regards,

Kurt L. Grossman
400 Pike Street Unit 904
Cincinnati, OH 45202
513-226-1027

Sent from [Mail](#) for Windows 10